

and printed, and made the order of the day for Monday next, at one o'clock, P. M."

Mr. DANIEL moved to amend by adding the following:

"And that the final vote thereon shall be taken precisely at two o'clock, P. M."

The question being taken upon the amendment, it was not agreed to.

The question then recurred upon adopting the order as submitted by Mr. BRISCOE.

Upon this question Mr. BRISCOE called for the yeas and nays, which were ordered.

The question being then taken, by yeas and nays, it resulted—yeas 14, nays 43—as follows:

Yeas—Messrs. Belt, Bond, Briscoe, Brown, Chambers, Clarke, Dent, Edelen, Harwood, Hollyday, Lansdale, Miller, Morgan, Peter—14.

Nays—Messrs. Goldsborough, President; Abbott, Annan, Audoun, Baker, Brooks, Carter, Cunningham, Cushing, Daniel, Davis, of Washington, Earle, Ecker, Galloway, Hatch, Hebb, Hopkins, Hopper, Jones, of Cecil, Keefer, Larsh, McComas, Mullikin, Murray, Noble, Nyman, Parker, Pugh, Purnell, Ridgely, Russell, Sands, Schley, Schlosser, Scott, Smith, of Carroll, Sneary, Stirling, Stockbridge, Swope, Thomas, Todd, Wickard, Wooden—43.

The order was accordingly rejected.

The question then recurred upon adopting the Declaration of Rights, as amended by the Convention, and being taken by yeas and nays [under rule forty-three] it resulted—yeas 44, nays 14—as follows:

Yeas—Messrs. Goldsborough, President; Abbott, Annan, Audoun, Baker, Brooks, Carter, Cunningham, Cushing, Daniel, Davis, of Washington, Earle, Ecker, Galloway, Hatch, Hebb, Hopkins, Hopper, Jones, of Cecil, Keefer, Larsh, McComas, Mullikin, Murray, Noble, Nyman, Parker, Pugh, Purnell, Ridgely, Russell, Sands, Schley, Schlosser, Scott, Smith, of Carroll, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Todd, Wickard, Wooden—44.

Nays—Messrs. Belt, Bond, Briscoe, Brown, Chambers, Clarke, Dent, Edelen, Harwood, Hollyday, Lansdale, Miller, Morgan, Peter—14.

The Declaration of Rights was accordingly adopted.

The preamble to the Declaration of Rights was also adopted.

LEGISLATIVE DEPARTMENT.

On motion of Mr. SCHLEY,

The Convention then took up and proceeded to consider the report of the Committee on the Legislative Department, which was on its second reading.

Sections one and two were then read without any amendment being offered thereto.

TIME OF HOLDING ELECTIONS.

Section three was then read as follows:

"The first election for senators and delegates shall take place on the first Wednesday of November, eighteen hundred and sixty-four; and the elections for delegates, and as nearly as practicable, for one-half of the senators, shall be held on the same day in every second year thereafter; and the election for representatives from this State in the Congress of the United States, shall take place on the same day."

Mr. STOCKBRIDGE. Not anticipating that this article would be taken up this morning, I had not prepared an amendment to this section of which I had thought. And I am not certain at this moment that I desire to offer one. But I will state the purpose of the amendment which it occurs to me is desirable. This section, as it now stands, provides that the election shall take place on the first Wednesday of November, 1864; and that the election of delegates and one-half of the senators shall take place on the same day every second year thereafter. Now, although this year that may bring the election on the day of the Presidential election, yet, as the terms used in this section are not the same as those employed in the law fixing the day for Presidential elections, it will happen hereafter that we shall have two elections, a State and a Presidential election, within a week of each other. I think, therefore, it is desirable to employ the terms used in the law fixing the day of the Presidential election, so that the State and Presidential elections may occur on the same day; or else keep them completely separate at all times.

Mr. CLARKE. This section provides that "the election for representatives from this State in the Congress of the United States shall take place on the same day." I would call the attention of this Convention to section four of article one of the Constitution of the United States, which reads as follows:

"The times, places and manner of holding elections for senators and representatives shall be prescribed in each State by the Legislature thereof."

I humbly conceive, therefore, that this Convention has no right to fix the time of electing representatives from this State in the Congress of the United States.

Mr. STIRLING. The observation of the gentleman from Prince George's (Mr. Clarke) is perfectly correct. The Constitution of the United States does provide that the Legislature of the State shall fix the time of electing representatives in Congress. The Legislature of this State has fixed that time and has said that the election shall take place on the day when members of the General Assembly are elected; and the time of electing members of the General Assembly is fixed by the Constitution of the State. Now if we fix the election of members of the General Assembly on a certain day, that necessarily fixes the election of members of Congress on the same